IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. No.2198 of 2006
Date of Decision: 3.11.2006

Sohan Lal

..... Appellant

Versus

Ved Parkash and another.

..... Respondents

CORAM: Hon'ble Mr.Justice Uma Nath Singh
Hon'ble Mr.Justice Mahesh Grover

....

Present: Ms.Priya Gupta,Advocate for the appellant.

....

Mahesh Grover,J.

This is the claimant's appeal against award dated 9.11.2005 of the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhari (for short, `the Tribunal') passed in M.A.C.T. Petition No.35 of 2003.

In an accident which is said to have taken place on 29.10.2001 between a motor-cycle and a scooter, left clavicle bone of the claimant-appellant was fractured and thus, he is said to have suffered a permanent disability of 3%. On a claim petition filed by him, the Tribunal awarded a sum of Rs.18000/- in all as compensation under various heads. He has now approached this Court by way of the present appeal for enhancement.

We have heard Ms. Priya Gupta, learned counsel for the appellant and perused the impugned award which reveals that the appellant

himself had entered into a compromise with the owner of the offending vehicle and had accepted Rs.12,000/- from him. This fact was not disputed by the appellant and the Tribunal accordingly directed that a sum of Rs.6000/- being the balance amount be paid to him. That apart, the permanent disability as claimed by the appellant has also not been proved in accordance with law. The appellant has suffered a fracture of clavicle bone and according to the medical evidence on record, this type of fracture can reunite easily in the normal position thereby reducing the possibility of any permanent disability.

In view of the above, there is no scope for enhancement of the compensation and the award of the Tribunal being just and adequate is affirmed. The appeal is accordingly dismissed.

(Uma Nath Singh)
Judge

(Mahesh Grover)
Judge

November 03,2006
"SCM"